

James H. Cossitt (Mont. # 4773)

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ATTORNEY FOR DEBTOR

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In Re:

JOHN HENRY SCHNEIDER,

Debtor(s).

Case #14-61357-7

NOTICE OF HEARING:

Date: 5/24/2016 at 09:00 a.m.

Location: Bankruptcy Courtroom
Bighorn Courtroom, Fifth Floor, Room
5503, 2601 Second Avenue North
Billings MT

**OBJECTION TO PROOF OF CLAIM OF JAY WINZENRIED
[CLAIM # 13]; AND NOTICE OF HEARING**

Pursuant to F.R.B.P. 3007 and Mont. LBR 3007-2, the undersigned respectfully objects to the Proof of Claim filed in the above-entitled case by Jay Winzenried which is claim number 13 on the Claims Register maintained by the Clerk of court. The grounds for the objection are as follows:

1. The claim is contingent as to liability.
2. The claim is unliquidated as to amount.
3. The claim is overstated.
4. Other specific grounds for objection: The claim should be disallowed as:
 - a. creditor was physician investor in the ONI ASC project in Billings Montana and is exerting a claim against Meridian Healthcare for \$1,000,000 because of this failed investment;

- b. in addition, creditor purchased his shares from Schneider limited partnership, LLC and not from debtor;
- c. Creditor may be attempting to exert a contingent liability claim however creditor defrauded debtor and Schneider Limited Partnership, LLC when purchasing share ownership in the OMNI ASC project. Stipulations require all investors were licensed physicians in the state of Montana prior to purchasing shares owned by Schneider limited Partnership. In fact, creditor was never licensed in Montana but represented he was, defrauding these entities and making false representations.
- d. Regardless, debtor is not liable for share value at time of purchase by this creditor.

WHEREFORE, Proof of Claim number 13 should be disallowed.

NOTICE OF HEARING

A hearing on the above-referenced Objection to Proof of Claim will be held at the date, time and location set forth in the caption above, at which time you must appear and respond to such Objection. If no response is timely made, the Court may grant the Objection as a failure to appear shall be deemed an admission that the Objection is valid and should be granted.

Dated: April 15, 2016

/s/ James H. Cossitt
ATTORNEY FOR DEBTOR

Original filed via ECF

Pursuant to FRBP 7005 & 9014 (b) and FRCP 5(b)(2)(D) all parties noted in the Court's ECF transmission facilities have been served via ECF.

The following have been served by mail:

Jay Winzenried Ragain & Cook Law Firm PC 3936 Avenue B Suite A-2 Billings MT 59102	
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CERTIFICATE OF SERVICE BY MAIL / ECF

This document was served pursuant to FRBP 7004, 9001(8), 9013, 9014(b): 1) by mail, in envelopes addressed to each of the parties at the addresses above; and/or 2) by electronic means, pursuant to LBR 7005-1, 9013-1(c) and 9036-1 on the parties noted in the Court's ECF transmission facilities, on April 15, 2016. The undersigned declares, under penalty of perjury pursuant to 28 USC § 1746, that the foregoing is true and correct.

/s/ James H. Cossitt